

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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GABRIEL I. PITTMAN  
PETITIONER

v.

CIVIL ACTION

NO. 02-2825

KENNETH KYLER, et al.

NOTICE OF APPEAL

Pursuant to 28 U.S.C. § 1291, notice is hereby given that, Gabriel I. Pittman, petitioner, pro se, appeals to the United States Court of Appeals for the Third Circuit from the Order entered in this matter on the 12th day of February 2008, by the United States District Court for the Eastern District of Pennsylvania **denying/dismissing** petitioner's motion to vacate pursuant to fraud upon the court.

*Gabriel I. Pittman*

Gabriel I. Pittman, pro  
DT-1470  
1000 Follies Road  
Dallas, PA 18612  
SCI-Dallas

Dated: February 21, 2008


CERTIFICATE OF SERVICE

Pursuant to 28 U.S.C. § 1746, the undersigned petitioner, Gabriel I. Pittman, certifies that on the 21st day of January 2008, he has personally caused a true and correct copy of a Notice of Appeal to be served via first-class mail and pursuant to the prisoner-mail box rule upon the following persons:

James B. Martin  
Office of the District Attorney  
455 W. Hamilton St.  
Allentown, PA 18101

United States District Court  
for the Eastern District of Pennsylvania

Deirdre S. Smith, Clerk of Court  
For the Court

  
Gabriel I. Pittman

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

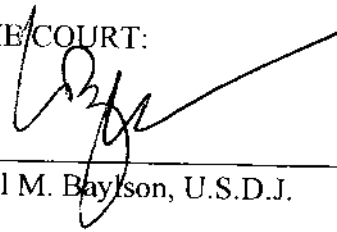
GABRIEL I. PITTMAN	:	CIVIL ACTION
	:	
v.	:	
	:	
KENNETH D. KYLER, et al.	:	NO. 02-2825

**ORDER**

Petitioner has filed two motions to vacate this Court's Order of November 26, 2003. Petitioner had previously appealed this Order to the Third Circuit Court of Appeals, which denied Petitioner's appeal, and has since twice denied Petitioner's Request to file a second or successive petition. This Court does not have jurisdiction to consider any further claims and Petitioner shall cease filing papers in this Court.

AND NOW, this 17<sup>th</sup> day of February, 2008, it is hereby ORDERED that Plaintiff's Motions to Vacate (Doc. Nos. 33 and 34) are DISMISSED.

BY THE COURT:

  
\_\_\_\_\_  
Michael M. Baylson, U.S.D.J.

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Neil  
O'Neil  
Mussel  
Shore  
Pittman